

**SAN DIEGO UNIFIED PORT DISTRICT**  
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Attorneys for Defendants, SAN DIEGO UNIFIED PORT DISTRICT, ROBERT J. (ROCKY) SPANE, SYLVIA C. RIOS, MICHAEL B. BIXLER, STEPHEN P. CUSHMAN, MIKE NAJERA, ROBERT "DUKIE" VALDERRAMA, BRUCE B. HOLLINGSWORTH and SGT. GARY LEESON, and specially appearing for SAN DIEGO HARBOR POLICE, CHIEF KIRK M. SANFILIPPO, CAPTAIN KIM FIVES, CORPORAL ADAM MILES, SGT. ROBERT MICKSCHL, and CORPORAL LAURA TOSATTO

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

DANIEL RENARD,  
(not an attorney),

Plaintiff,

v.

SAN DIEGO UNIFIED PORT DISTRICT,  
AND BOARD OF COMMISSIONERS,  
AND AS INDIVIDUALS ROBERT J.  
(ROCKY) SPANE, AND SYLVIA C. RIOS,  
AND MICHAEL B. BIXLER, AND  
STEPHEN P. CUSHMAN, AND MIKE  
NAJERA, AND ROBERT "DUKIE"  
VALDERRAMA, AND BRUCE B.  
HOLLINGS WORTH, SAN DIEGO  
HARBOR POLICE, AND AS  
INDIVIDUALS CHIEF KIRK M.  
SANFILIPPO, AND KIM FIVES, AND  
OFFICER MILES, BAY CONTROL  
OFFICER SGT. MICSCLHTLLIS,  
OFFICER TOSADA, SGT. LEESON, SAN  
DIEGO UNIFIED PORT DISTRICT,  
INDIVIDUALLY and DOES 1 through 10,  
Inclusive and individually

Defendants.

Case No. 06 CV 2665 H BLM

**NOTICE OF RELATED CASES**  
**[UNITED STATES DISTRICT COURT,**  
**SOUTHERN DISTRICT, LOCAL RULE 40.1(e)]**

Honorable MARILYN L. HUFF  
Courtroom 13

1 Defendants, SAN DIEGO UNIFIED PORT DISTRICT, ROBERT J. (ROCKY) SPANE,  
 2 SYLVIA C. RIOS, MICHAEL B. BIXLER, STEPHEN P. CUSHMAN, MIKE NAJERA,  
 3 ROBERT "DUKIE" VALDERRAMA, BRUCE B. HOLLINGSWORTH and SGT. GARY  
 4 LEESON, and specially appearing for SAN DIEGO HARBOR POLICE, CHIEF  
 5 KIRK M. SANFILIPPO, CAPTAIN KIM FIVES, CORPORAL ADAM MILES, SGT. ROBERT  
 6 MICKSCHL, and CORPORAL LAURA TOSATTO (hereinafter "defendants"),  
 7 respectfully submit this Notice of Related Case, pursuant to United States District Court,  
 8 Southern District, Local Rule 40.1(e) (Rule 40.1(e)), as set forth below.

9 Rule 40.1(e) states that whenever counsel has reason to believe that a pending action  
 10 or proceeding on file or about to be filed is related to another pending action or proceeding on  
 11 file in this or any other federal or state court (whether pending, dismissed, or otherwise  
 12 terminated), counsel shall promptly file and serve on all known parties to each related action  
 13 or proceeding a notice of related case, stating the title, number and filing date of each action  
 14 or proceeding believed to be related, together with a brief statement of their relationship and  
 15 the reason why assignment to a single district judge is or is not likely to effect a saving of  
 16 judicial effort and other economies. The clerk will promptly notify the court of such filing. This  
 17 is a continuing duty that applies not only when counsel files a case with knowledge of a  
 18 related action or proceeding but also applies after the date of filing whenever counsel learns  
 19 of a related proceeding.

20 The District has reason to believe that the above-captioned pending action entitled:  
 21 *DANIEL RENARD v. SAN DIEGO UNIFIED PORT DISTRICT, ROBERT J. (ROCKY)*  
 22 *SPANE, SYLVIA C. RIOS, MICHAEL B. BIXLER, STEPHEN P. CUSHMAN, MIKE NAJERA,*  
 23 *ROBERT "DUKIE" VALDERRAMA, BRUCE B. HOLLINGSWORTH and SGT. GARY*  
 24 *LEESON, and specially appearing for SAN DIEGO HARBOR POLICE, CHIEF*  
 25 *KIRK M. SANFILIPPO, CAPTAIN KIM FIVES, CORPORAL ADAM MILES, SGT. ROBERT*  
 26 *MICKSCHL, and CORPORAL LAURA TOSATTO , and DOES 1 through 10, inclusive and*  
 27 *individually*, filed with this Court on December 5, 2006, as Case No. 06 CV 2665 H BLM, is  
 28 related to another pending action entitled: *DANIEL RENARD v. SAN DIEGO UNIFIED PORT*

1 *DISTRICT, and, DOES 1 through 65, inclusive*, filed with this Court on December 17, 2007,  
2 as Case No. 07 CV 2347 JAH JMA after being removed from the San Diego Superior Court  
3 due to federal question jurisdiction.

4 As set forth in United States District Court, Southern District, Local Rule 40.1(f), an  
5 action or proceeding is related to another action or proceeding where both of them:

- 6 1. Involve some of the same parties and are based on the same or similar  
7 claims, or;
- 8 2. Involve the same property, transaction, or event, or;
- 9 3. Involve substantially the same facts and the same questions of law.

10 Here, both cases involve some of the same parties and are based on the same or  
11 similar claims. Plaintiff Daniel Renard filed suit (Case No. 07 CV 2347 JAH JMA) against one  
12 of the parties (San Diego Unified Port District) that is listed in the caption above, and his  
13 claims are the same or similar to claims he alleges against defendants in the above  
14 captioned matter (Case No. 06 CV 2665 H BLM).

15 Further, both actions involve the same claims and transaction or event: namely, the  
16 closure of the A-8 and A-9 Disabled Anchorages by the Board of Port Commissioners of  
17 defendant District, the legality of the District's ordinances concerning anchoring in San Diego  
18 Bay, and the District's alleged illegal seizure of plaintiff's vessel and vessels belonging to  
19 other boaters in San Diego Bay. Finally, the new case involves substantially the same facts  
20 and same questions of law as it relates to plaintiff's claim for enforcement of a settlement  
21 agreement between plaintiff and defendant District which in fact the District Court has  
22 previously ruled upon in granting the District's motion to dismiss but with leave to amend.

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1 ***Renard v. San Diego Unified Port District, et al.***  
2 **Case No. 07 2347 JAH JMA**

3 **CERTIFICATE OF SERVICE**

4 The following document(s) are associated with this transaction:

5 **NOTICE OF RELATED CASES [UNITED STATES DISTRICT COURT, SOUTHERN**  
6 **DISTRICT, LOCAL RULE 40.1(e)]**

7 **Notice will be electronically mailed to:**

8 N/A

9 **Notice will be delivered by other means to:**

10  
11 Daniel Renard  
12 P.O. Box 6301  
13 San Diego, CA 92166

14 I declare under penalty of perjury that the foregoing is true and correct. Executed this  
15 7<sup>th</sup> day of January, 2008, at San Diego, California.

16  
17 By: s/William D. McMinn

18 E-mail: [bmcminn@portofsandiego.org](mailto:bmcminn@portofsandiego.org)  
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